

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELAINE L. CHAO,
SECRETARY OF LABOR,
UNITED STATES DEPARTMENT OF LABOR,
Plaintiff,

v.

MARVIN J. CHARIPAR,
Defendant.

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)
)
) CIVIL ACTION
) NO. 8:06-cv-295
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)

CONSENT JUDGMENT

Plaintiff having filed her complaint, and Defendant Marvin J. Charipar, admitting the allegations of the complaint and having agreed to the entry of this judgment without contest;

It is, therefore, upon motion of counsel for Plaintiff, and this Court having jurisdiction over the parties to this Judgment; and this Court being empowered to provide the relief described herein, and for cause shown:

ORDERED, ADJUDGED, and DECREED that:

Defendant Marvin J. Charipar violated Sections 403, 404, and 406 of the Employee Retirement Income Security Act (ERISA) of 1974, as amended (29 U.S.C. §§ 1103, 1104, and 1106);

Defendant Marvin J. Charipar, his agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, be, and hereby are, permanently enjoined and restrained from violating the provisions of ERISA Sections 403, 404, and 406;

It is further ORDERED that:

Within 180 days of the date of this Judgment, Defendant Marvin J. Charipar shall begin to make payments to restore losses owed to participants in the Columbus Irrigation, Inc. 401(k) Profit Sharing Plan and Trust (the "Plan"), with all losses restored to the Plan within two years of the date of this Judgment. Amounts owed to employee participants are as follows:

Karla Baumert	\$ 220.12
John Demuth	\$ 4,514.98
Robert Rouse	\$ 39.85
Alan Scudder	\$ 811.02
Total	<u>\$ 5,585.97</u>

If all payments are not concluded within two years of the date of this agreement, Defendant Marvin J. Charipar shall be deemed to have defaulted his obligations under this Judgment. Upon default by Defendant Marvin J. Charipar, the Secretary shall be entitled to collect the balance due to the Plan, by any process allowed by law, including execution, garnishment and levy. Evidence of each payment will be forwarded to:

Regional Director
 Kansas City EBSA Regional Office
 1200 City Center Square
 1100 Main Street
 Kansas City, MO 64105

Nothing in this Judgment is binding on any governmental agency other than the United States Department of Labor, Employee Benefit Security Administration.

This Court shall retain jurisdiction over this action and the parties hereto as may be necessary to enforce the provisions of the judgment.

Each party shall bear his or her own attorneys' fees, costs and other expenses incurred by such party to date in connection with any stage of the above-referenced proceeding including, but not limited to, attorneys' fees, costs and other expenses which may be available under the Equal Access to Justice Act, as amended.

The Court directs the entry of this Consent Judgment as a final Order.

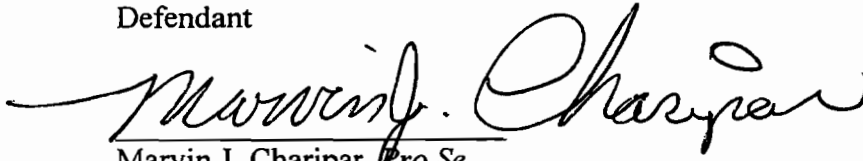
Dated this 31 day of JANUARY, 2007.



United States Magistrate Judge

Entry of this judgment is hereby consented to:

Defendant



Marvin J. Charipar, *Pro Se*
333 S. 9th Street
Columbus, Nebraska 68601

APPROVED:

Howard M. Radzely
Solicitor of Labor
D.C. Bar No. 437957

Michael A. Stabler
Regional Solicitor
Missouri Bar No. 26211

s/ Susan J. Willer
Susan J. Willer
Attorney



Oklahoma Bar No. 17798

1210 City Center Square
1100 Main Street
Kansas City, MO 64105
(816) 426-6441
(816) 426-2500 (fax)

U.S. Department of Labor

Attorneys for Plaintiff

Summary of Delinquent Employee Contributions
Columbus Irrigation 401(k) Plan
EBSA Case No. 60-101025(48)

Payroll Date	Karla Baumert	John Demuth	Alan Scudder	Robert Rouse	Marvin Charipar	Total	Total w/o Trustee Contributions
02/17/03	\$7.82	\$127.24	\$36.19	\$0.00	\$25.00		
03/03/03	\$8.29	\$130.75	\$40.97	\$0.00	\$25.00		
03/17/03	\$8.73	\$145.88	\$45.88	\$0.00	\$25.00		
03/31/03	\$7.25	\$164.45	\$39.30	\$0.00	\$25.00		
04/14/03	\$7.94	\$175.81	\$52.73	\$0.00	\$25.00		
04/26/03	\$9.59	\$198.53	\$30.57	\$0.00	\$25.00		
05/10/03	\$7.82	\$201.79	\$24.65	\$0.00	\$45.00		
05/24/03	\$6.90	\$202.99	\$47.56	\$0.00	\$45.00		
06/07/03	\$9.15	\$178.08	\$55.14	\$0.00	\$45.00		
06/21/03	\$8.14	\$193.68	\$26.27	\$0.00	\$45.00		
07/02/03	\$9.13	\$274.52	\$59.27	\$0.00	\$45.00		
07/19/03	\$10.20	\$287.90	\$60.66	\$12.02	\$45.00		
08/02/03	\$9.38	\$279.09	\$62.54	\$17.15	\$45.00		
08/16/03	\$11.49	\$268.38	\$50.63	\$10.68	\$45.00		
08/30/03	\$10.72	\$237.42	\$46.70	\$0.00	\$45.00		
09/13/03	\$11.24	\$196.11	\$51.22	\$0.00	\$45.00		
09/27/03	\$9.15	\$183.59	\$48.18	\$0.00	\$0.00		
10/11/03	\$8.20	\$0.00	\$32.56	\$0.00	\$0.00		
10/25/03	\$8.15	\$192.57	\$0.00	\$0.00	\$45.00		
11/08/03	\$8.44	\$172.98	\$0.00	\$0.00	\$0.00		
11/22/03	\$8.86	\$182.48	\$0.00	\$0.00	\$0.00		
12/07/03	\$7.58	\$183.60	\$0.00	\$0.00	\$0.00		
12/20/03	\$9.61	\$169.52	\$0.00	\$0.00	\$0.00		
01/03/04	\$8.17	\$167.62	\$0.00	\$0.00	\$0.00		
01/17/04	\$8.17	\$0.00	\$0.00	\$0.00	\$0.00		
01/31/04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
	\$220.12	\$4,514.98	\$811.02	\$39.85	\$645.00	\$6,230.97	\$5,585.97